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Broadcast Music, Inc., Paul Simon Music, Universal
7 Music-Z Tunes LLC d/b/a Universal Music Z Songs,
Forceful Music, Interior Music Corp, Sony/ATV
8 Songs LLC

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
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12 BROADCAST MUSIC, INC.;
PAUL SIMON MUSIC;
13 UNIVERSAL MUSIC Z-TUNES LLC
d/b/a UNIVERSAL MUSIC Z SONGS;
14 FORCEFUL MUSIC;
INTERIOR MUSIC CORP.;
15 SONY/ATV SONGS LLC,

16 Plaintiffs,

17 v.

JACQUELINE MARIA COOPER and
18 PETER COOPER, each individually,

19 Defendants.
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Case No.

COMPLAINT FOR COPYRIGHT
INFRINGEMENT

COMPLAINT FOR COPYRIGHT INFRINGEMENT

Plaintiffs Broadcast Music, Inc., Paul Simon Music, Universal Music-Z Tunes LLC d/b/a Universal Music Z Songs, Forceful Music, Interior Music Corp and Sony/ATV Songs LLC (collectively, “Plaintiffs”), by their attorneys, for their Complaint for Copyright Infringement (“Complaint”) against Defendants Jacqueline Maria Cooper and Peter Cooper (collectively, “Defendants”), allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the “Copyright Act”). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff Broadcast Music, Inc. (“BMI”) is a corporation organized and existing under the laws of the State of New York. BMI’s principal place of business is 7 World Trade Center, 250 Greenwich Street, New York, New York 10007. BMI has been granted the right to license the public performance rights in approximately 10.5 million copyrighted musical compositions (the “BMI Repertoire”), including those which are alleged herein to have been infringed.

4. The Plaintiffs other than BMI are the owners of the copyrights in the musical compositions, which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Plaintiff Paul Simon Music is a sole proprietorship owned by Paul Simon. This Plaintiff is the copyright owner of at least one of the songs in this matter.

6. Plaintiff Universal Music-Z Tunes LLC is a limited liability company doing business as Universal Music Z Songs. This Plaintiff is the copyright owner of at least one of the songs in this matter.

7. Plaintiff Forceful Music is a partnership owned by Paul A. George, Lucien George, Curtis Bedeau, Brian George, Gerard Charles and Hugh Clarke. This Plaintiff is the copyright owner of at least one of the songs in this matter.

8. Plaintiff Interior Music Corp. is a corporation. This Plaintiff is the copyright owner of at least one of the songs in this matter.

9. Plaintiff Sony/ATV Songs LLC is a limited liability company. This Plaintiff is the copyright owner of at least one of the songs in this matter.

10. Defendants Jacqueline Maria Cooper and Peter Cooper operate, maintain and control an establishment known as Ireland's 32, located 3920 Geary Boulevard, San Francisco, California 94118 (the "Establishment") in this district. In connection with the operation of this business, Defendants publicly perform musical compositions and/or cause musical compositions to be publicly performed.

11. Defendants Jacqueline Maria Cooper and Peter Cooper are owners with responsibility for the operation and management of the Establishment.

12. Defendants Jacqueline Maria Cooper and Peter Cooper have the right and ability to supervise the activities of and a direct financial interest in the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

13. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 12.

14. Since July 2014, BMI has reached out to Defendants over 70 times, by phone, in-person visit, mail and email, in an effort to educate Defendants as to their obligations under the Copyright Act with respect to the necessity of purchasing a license for the public performance of musical compositions in the BMI repertoire. Included in the letters were Cease and Desist Notices, providing Defendants with formal notice that they must immediately cease all use of BMI-licensed music in the Establishment.

15. Plaintiffs allege four (4) claims of willful copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI Repertoire. All of the claims for copyright infringement joined in this Complaint are

governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

16. Annexed to this Complaint as a schedule (the “Schedule”) and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the four (4) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information (all references to “Lines” are lines on the Schedule): Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 identifying the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the copyright registration number(s) for the musical composition; Line 7 showing the date(s) of infringement; and Line 8 identifying the Establishment where the infringement occurred.

17. For each work identified on the Schedule, the person(s) named on Line 3 was the creator of that musical composition.

18. For each work identified on the Schedule, on or about the date(s) indicated on Line 5, the publisher(s) named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the number(s) listed on Line 6.

19. For each work identified on the Schedule, on the date(s) listed on Line 7, Plaintiff BMI was (and still is) the licensor of the public performance rights in the musical composition identified on Line 2. For each work identified on the Schedule, on the date(s) listed on Line 7, the Plaintiff(s) listed on Line 4 was (and still is) the owner of the copyright in the respective musical composition listed on Line 2.

20. For each work identified on the Schedule, on the date(s) listed on Line 7, Defendants publicly performed and/or caused to be publicly performed at the Establishment

1 the musical composition identified on Line 2 without a license or permission to do so.

2 Thus, Defendants have committed copyright infringement.

3 21. The specific acts of copyright infringement alleged in the Complaint, as well
4 as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and
5 incalculable damage. By continuing to provide unauthorized public performances of works
6 in the BMI Repertoire at the Establishment, Defendants threaten to continue committing
7 copyright infringement. Unless this Court restrains Defendants from committing further
8 acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have
9 no adequate remedy at law.

10 22. Plaintiffs seek statutory damages pursuant to 17 U.S.C. § 504. Plaintiffs
11 further seek an order that Defendants be enjoined, pursuant to 17 U.S.C. § 502 from
12 infringing, in any manner, the copyrighted musical compositions licensed by BMI.

13 WHEREFORE, Plaintiffs pray that:

14 (I) Defendants, their agents, servants, employees, and all persons acting under
15 their permission and authority, be enjoined and restrained from infringing, in any manner,
16 the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

17 (II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C.
18 Section 504(c);

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1 (III) Defendants be ordered to pay costs, including a reasonable attorney's fee,
2 pursuant to 17 U.S.C. Section 505; and

3 (IV) Plaintiffs have such other and further relief as is just and equitable.

4 Dated: April 25, 2016

Respectfully submitted,

5 JEFFREY W. KRAMER
6 ANNMARIE MORI
7 TROYGOULD PC

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9 By: /s/ AnnMarie Mori
10 AnnMarie Mori
11 Attorneys for Plaintiffs
12 Broadcast Music, Inc., Paul Simon Music,
13 Universal Music-Z Tunes LLC d/b/a Universal
14 Music Z Songs, Forceful Music, Interior Music
15 Corp, Sony/ATV Songs LLC
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Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Hazy Shade Of Winter AKA A Hazy Shade Of Winter
Line 3	Writer(s)	Paul Simon
Line 4	Publisher Plaintiff(s)	Paul Simon, an individual d/b/a Paul Simon Music
Line 5	Date(s) of Registration	10/10/66
Line 6	Registration No(s).	Eu 961602
Line 7	Date(s) of Infringement	12/16/2015
Line 8	Place of Infringement	Ireland's 32

Line 1	Claim No.	2
Line 2	Musical Composition	Naughty Girls a/k/a Naughty Girls Need Love Too
Line 3	Writer(s)	Lucien George, Jr.; Paul Anthony George; Brian P. George, Curtis T. Bedeau; Gerard R. Charles; Hugh L. Clarke
Line 4	Publisher Plaintiff(s)	Universal Music-Z Tunes LLC d/b/a Universal Music Z Songs; Paul A. George, Lucien George, Curtis Bedeau, Brian George, Gerard Charles and Hugh Clarke, a partnership d/b/a Forceful Music
Line 5	Date(s) of Registration	9/18/87
Line 6	Registration No(s).	PA 344-415
Line 7	Date(s) of Infringement	12/16/2015
Line 8	Place of Infringement	Ireland's 32

Line 1	Claim No.	3	
Line 2	Musical Composition	Use Me	
Line 3	Writer(s)	Bill Withers	
Line 4	Publisher Plaintiff(s)	Interior Music Corp.	
Line 5	Date(s) of Registration	12/13/00	4/24/72
Line 6	Registration No(s).	RE 832-587	Eu 325138
Line 7	Date(s) of Infringement	12/16/2015	
Line 8	Place of Infringement	Ireland's 32	

Line 1	Claim No.	4	
Line 2	Musical Composition	Wonderwall	
Line 3	Writer(s)	Noel Gallagher	
Line 4	Publisher Plaintiff(s)	Sony/ATV Songs LLC	
Line 5	Date(s) of Registration	11/20/95	
Line 6	Registration No(s).	PA 782-736	
Line 7	Date(s) of Infringement	12/16/2015	
Line 8	Place of Infringement	Ireland's 32	
